

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 10-350(1) (DWF/JJG)

Plaintiff,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

v.

Jose Arcadio Guillen Tapia,

Defendant.

Michael A. Dees, Assistant United States Attorney, United States Attorney's Office,
counsel for Plaintiff.

Manvir K. Atwal, Assistant Federal Defender, Office of the Federal Defender, counsel for
Defendant.

This matter is before the Court upon Defendant Jose Arcadio Guillen Tapia's
objections to Magistrate Judge Jeanne J. Graham's March 2, 2011 Report and
Recommendation insofar as it recommends that Defendant's motion to suppress evidence
from search and seizure be denied.

The Court has conducted a *de novo* review of the record, including a review of the
arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local
Rule 72.2(b). The factual background for the above-entitled matter is clearly and
precisely set forth in the Report and Recommendation and is incorporated by reference
for purposes of Defendant's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Jose Arcadio Guillen Tapia's objections (Doc. No. [31]) to Magistrate Judge Jeanne J. Graham's March 2, 2011 Report and Recommendation are **DENIED**.

2. Magistrate Judge Jeanne J. Graham's March 2, 2011 Report and Recommendation (Doc. No. [30]), is **ADOPTED**.

3. Defendant Jose Arcadio Guillen Tapia's motion to suppress evidence from search and seizure (Doc. No. [10]) is **DENIED**.

Dated: April 5, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge